

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

ALLAN ROBINSON, a single male,

Plaintiff,

V,

UNITED STATES OF AMERICA,
UNITED STATES DEPARTMENT
OF VETERAN AFFAIRS, and
ROBERT WILKIE, in his official
capacity as Secretary ; RONALD
JOHNSON, DIRECTOR VA REGIONAL
OFFICE PUERTO RICO ; DANIEL MASSA
RAQUAL DE JESUS, REYNALDO REVERIA,
JUAN GALUERA ,MARIA SANTIGAO,
HECTOR SANTIAGO; LOUISVILLE FUDICIARY
HUB; CUSTO-COOP, JANE DOES 1-5;
JOHN DOES 1-6 , et al

Defendants ,

CASE NO: 19-cv-1394 (JAG)

CLERK'S IMMEDIATE ACTION REQUIRED

(Local Civil Rule 3A(d))

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U.S. DISTRICT COURT
SAN JUAN, PR

COMPLAINT FOR DECLARATORY JUDGMENT AND INJUNCTIVE RELIEF WITH APPLICATION
FOR TEMPORARY RESTRAINING ORDER AND OR STAY OF ADMINISTRATIVE PROCEEDINGS
AND MOTION FOR A SPEEDY HEARING PURSUANT TO U.S.C. 28 § 2201, F.R.C.P. Rule 57

COMPLAINT FOR DECLARATORY JUDGMENT - 1

Allan Robinson
Plaintiff
allanrobinson@hotmail.com
360-463-5391
Homeless
San Juan, PR

31 Plaintiff, appearing *pro se*, alleges;

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33 JURISDICTION
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35 ¶ 1. The court has jurisdiction under 28 U.S.C. § 1332 and venue is proper
36 pursuant to 28 U.S.C. § 1391.
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38 PARTIES
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40 2. Plaintiff, for purposes of this litigation is a qualified individual under
41 42 U.S.C. § 12101, *et seq.* and Section 504 of the Social Security Act.
42

43 3. Defendant United States of America is being sued by and through its
44 Veterans Affairs Secretary Robert Wilke, 810 Vermont Ave. NW Washington, DC
45 20420. Service of process is made upon Rosa Emilia Rodriguez-Velez, United
46 States Attorney for the district of Puerto Rico, pursuant to Rule 4 (a) of the Fed.
47 Rules of Civ. Pro.
48

49 4. Defendant RONALD BERNARD JOHNSON is currently employed
50 by above defendant as Director San Juan, PR Regional Office. He is also being
51 sued by plaintiff in a separate 42 U.S.C. §§ 1983, 1985 (conspiracy) action, see
52 ROBINSON v. JOHNSON, *et al* USDC/PR.

COMPLAINT FOR DECLARATORY JUDGMENT - 2

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Plaintiff
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53 ¶ 5. Defendant DANIEL MASSA is currently employed by chief defendant
54 as a Privacy Officer at the Veterans Affairs Regional Office in Guyanbo, PR. He is
55 being sued for actions within and outside his scope of duties as defined under
56 federal law while acting under color of law.

57
58 6. Defendant RAQUAL 'JACKIE' de JESUS residing at URB EL
59 CONQUISTADOR, RA2 CALLE 11 TRUJILLO ALTO, PR 00976 is the cynosure of this
60 litigation . She is being sued in her official capacity as a Third Party Fiduciary as
61 defined under 38 U.S.C. § 5507 and 38 CFR 13.55(a).

62
63 7. Defendant REYNALDO RIVERA , based upon plaintiff's information
64 and belief is the 'superior' of defendant JUAN GALGUERA.

65
66 8. Defendant JUAN GALGUERA is a Field EXAMINER as defined under 38
67 U.S.C. § 5507. This defendant is being sued in Commonwealth due to his Gross
68 Negligence, Tortious Conduct, Outrage and Defamation; the entire marital estate
69 including his spouse Maria Pagan is exposed to plaintiff for damages. He is also
70 being sued with HILDA SERRANO, ASSMCA DEFENDANT for Conspiracy to
71 Conceal. He also faces separate litigation for egregious violations of the Veterans
72 Accountability Act, et seq; Intentional Infliction of Emotional Distress.

73
74 9. Defendants MARIA SANTIGAO AND HECTOR SANTIAGO are being

¶ 14. Plaintiff left the ASSMCA facility on Wednesday January 31, 2018 at 9:25 AM via Taxi returning to Hotel Fortelleza, in Old San Juan, where he had left to enter VA Medical Center January 19, 2018.

15. On January 31, 2018 defendant FIDUICIARY HUB generated a Letter to plaintiff informing him of "appointment of fiduciary", that is defendant RAQUAL DE JESUS; at is was addressed to P.O. Box 959 Bayamon, PR 00960, Plaintiff never received a copy of this letter until APRIL 16, 2019.

16. Plaintiff further alleges that there exists no evidence of a finding of incompetency directed against him and a determination of such was initiated in Retaliation against plaintiff by defendant GALGUERA AND SERRANO.

17. Plaintiff also asserts defendant MASSA, in his official capacity as Privacy Officer subjected plaintiff to unlawful detention , by Blackstone Security at Regional Office in violation of his Fourth Amendment Right under the United States Constitution.

18. Defendant MASSA also violated plaintiff First Amendment Right when , on March 25, 2019, he personally confiscated plaintiff's Writing In the lobby of Regional Office that stated;

" If I allan Robinson suffer a serious medical event while at Regional

Office DO NOT TRANSPORT ME TO Veterans Affairs MEDICAL CENTER
AS I AM MOST AFRAID TO GO THERE".

¶ 19. Three (3) days later defendant MASSA apologized to plaintiff's for his
conduct stating: "please understand I have a metal plate in my skull", see
ROBINSON vs MASSA et al USDC/PR.

WHEREFORE, plaintiff prays for the Court to grant him the following relief;

A. A Declaratory Judgment declaring his rights as they pertain to 38 U.S.C.
§ 5507 and related United States Code such as the Brady Act and the HIPPA
Privacy Rule as it pertains to the Commonwealth of Puerto Rico and its
Department such as ASSMCA.

B. A Temporary Restraining Order, Pursuant to Rule 65 (b) directed against
Defendant JOHNSON.

C. An immediate stay of Administrative Proceedings pursuant to the
Administrative Procedures Act.

D. A judicial determination of his rights and duties and a declaration as to 38
U.S.C. § 7332 (Confidentiality of certain medication records); 38 CFR 17.33.

E. To advance this matter on the Court's calendar due to plaintiff's
diminishing health, see Affidavit of Allan Robinson in Support of his Motion For
Appointment of a Special Master.

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142

143 Respectfully submitted,

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145  Allan Robinson, Plaintiff

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147 DATED: April 26, 2019

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149 VERIFICATION OF CERTIFICATE OF SERVICE UPON DEFENDANT UNITED
150 STATES OF AMERICA THROUGH OFFICE OF THE U.S. ATTORNEY FOR PUERTO RICO

151

152 THE undersigned hereby VERIFIES THAT HE WILL PERFECT SERVICE UPON THE
153 ABOVE WHEN ACTION IS FILED SAME DAY

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155 DATED: This 26th day of April 2019 in Hato Ray, PR

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157  Allan Robinson

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COMPLAINT FOR DECLARATORY JUDGMENT - 7

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